

Virginia: In the Circuit and District Courts for the Counties of Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, and Prince Edward

ORDER REINSTATING PROTOCOLS AND PROCEDURES  
OF THIS CIRCUIT AND DISTRICT  
RELATING TO OPERATIONS AND PROCEDURES  
DURING THE COVID-19 PANDEMIC

The Courts of the 10th judicial circuit and district through various orders previously have implemented protocols and procedures to be followed to ensure the health and safety of the public, court and security personnel, employees, attorneys, and litigants during the covid-19 pandemic. Subsequent orders relaxed the safety measures to be implemented as cases declined and vaccinations became available.

The counties that make up the circuit and district are experiencing an alarming increase in cases reported, in hospitalizations required, and in resulting deaths. The percentage of the population making up the circuit and district who have been fully vaccinated remains exceedingly low. The Centers for Disease Control rate the level of community transmission in the circuit and district as high in seven of the eight counties and substantial in one county.

Pursuant to the 26th Order Extending Judicial Emergency issued by the Chief Justice of the Virginia Supreme Court, various safety procedures and protocols previously in place in the circuit and district and then suspended are now reinstated:

1. All people, regardless of vaccination status, shall be required to wear a covering over the mouth and nose upon entry to the courthouse and in all public areas of the courthouse. Those who maintain a medical exemption from the mask requirement shall only be allowed entry with permission of a judge or clerk if other safety protocols can be implemented. For those not allowed entry, other modes of access shall be extended to accommodate the needs of the individual.

2. An employee who can maintain a distance of at least six feet from all others may remove his or her mask while at his or her desk or in his or her office. Employees who are fully vaccinated may interact with other employees in his or her department who are fully vaccinated without being masked. However any interaction with the public, with employees outside of his or her department, or with an unvaccinated person will require the employee to be masked.

3. Court and security personnel shall continue to screen those who are entering the courthouse as set forth in prior orders.

4. Proper social distancing, as defined by the CDC, shall be observed at all times and in all spaces of the courthouse, the only exception being the approach of a witness or the bench, but only with the permission of the court, only for a very brief period of time, and only with all of those closer than proper social distancing being masked. The courtrooms and any waiting areas shall have marked seating where people are only permitted to sit or stand. No more than can socially distance shall be allowed in stairwells, elevators, restrooms, courtrooms, and overflow and waiting rooms. Bailiffs shall have the responsibility and authority to ensure proper social distancing and the wearing of face coverings is being observed.

5. Within the courtrooms, the presiding judge, in his or her discretion, shall have the authority to adapt any policy and procedure herein and in prior orders as required for the administration of justice, the efficiency of proceedings, and in light of specific circumstances of a case.

6. In appropriate cases as determined by the presiding judge, litigants, in both criminal and civil matters, are encouraged to agree to conduct hearings via video and teleconferencing, including Polycom and WebEx platforms. Such hearings and the specific procedures to be used shall be discussed and scheduled in advance of the scheduled hearing date with the scheduling assistant or clerk of court. The use of some video or audio platforms may require prior approval by the court. Litigants should be aware that such hearings may not be reported by a court reporter and may require other means of recording for preservation of the record. Litigants should be aware that different courtrooms have different audio

and visual capabilities which may require the relocation of a hearing, the use of non-state owned equipment, or other accommodations.

7. The procedures followed in the conduct of jury trials shall be at the discretion of the presiding judge who shall use the prior jury trial plan, the past covid-era jury trial experiences, and the guidance from experts, government agencies, and current orders of the President, the Governor, and the Chief Justice as guides. Early consultation among the judge, clerks, and litigants shall be exercised to ensure as smooth a procedure as possible and practical.

8. Except as otherwise ordered by the presiding or the chief judge, court staff, including bailiffs and clerks, and local jurisdiction employees shall have the power and responsibility to take whatever steps are necessary, taking into account the recommendations of experts, government agencies, and current orders of the President, the Governor, and the Chief Justice to make safe the courthouse for the conduct of business.

This order shall remain in full force and effect unless later modified by the undersigned or by a court of higher jurisdiction. Violations of the order shall be punishable by contempt of court. A copy of this order shall be forwarded to the Executive Secretary of the Supreme Court of Virginia. The clerks of all of the courts of the 10th judicial circuit and district shall post this order in the clerks' offices and at the entrances of the courthouses.

ENTERED this 20th day of August, 2021,

Kimberley White, Chief Circuit Court Judge

Calvin Spencer, Chief General District Court Judge

Marvin Dunkum, Chief Juvenile and Domestic Relations Court Judge